



## Legislative Bulletin.....July 15, 2002

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## **H.R. 3482— Cyber Security Enhancement Act of 2002-with an Amendment (Smith, Lamar)**

**Order of Business:** The bill is scheduled to be considered on Monday, July 15, 2002, under a motion to suspend the rules and pass the bill with an amendment.

**Summary:** H.R. 3482 would amend various federal criminal statutes, including

- 1) Requiring the U.S. Sentencing Commission to review and, if appropriate, amend its sentencing guidelines as applicable to those convicted under 18 U.S.C. 1030 (as amended in H.R. 3482, relating to fraud and related activity in connection with a computer), and report to Congress by May 1, 2003, on any recommendations for changes to the statutory penalties for these offenses.
- 2) Amending current law regarding disclosures of the contents of electronic communication (18 U.S.C. Sec. 2702) to allow disclosure to a Federal, State or local

governmental entity if the “provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of communications relating to the emergency.” The provision adds a reporting requirement to the Attorney General for each disclosure, and requires the AG to compile these disclosures into a yearly report.

- 3) Adding advertising by electronic means to current law (18 U.S.C. 2512) regarding the illegality of advertising wire, oral, or electronic communication intercepting devices.
- 4) Amending U.S. Code relating to fraud and related activity in connection with computers to raise the sentence for violent or deadly actions or attempts by an offender.
- 5) Amending 18USC3125 relating to emergency pen register and trap and trace device installation to add an immediate threat to national security or an ongoing attack on a protected computer.
- 6) Amending 18 U.S.C. 2511 to strike the first-time offender provision
- 7) Amending 18 U.S.C. 2701 to add, to the criminal code on illegal access to stored wire and electronic communications, the purpose of aiding "any criminal or tortious act" and to increase the sentences for such actions.

## **Title II—Creation of an Office of Science and Technology**

The bill abolishes the Office of Science and Technology in the National Institute of Justice and creates an Office of Science and Technology (OST) within the Justice Department “to serve as the national focal point for work on law enforcement technology” and to carry out programs and provide equipment, training, and technical assistance to improve the safety and effectiveness of law enforcement technology for Federal, state, and local law enforcement agencies.

The new office shall, among other things,

- establish advisory groups,
- set performance standards and test law enforcement technologies,
- certify certain products that meet OST standards
- develop and test technologies such as smart guns that recognize their owner, bullet-resistant glass, etc.
- serving as a national clearinghouse for law enforcement technologies

Except expressly provided by law, all R&D shall be carried out on a competitive basis, and funding shall be provided through grants, cooperative agreements, or contracts.

H.R.3482 includes a yearly reporting requirement to Congress on this program and the assessed “needs” of federal, state, and local law enforcement technologies.

The bill transfers remaining appropriations, assets and personnel from the old OST to the new OST, and requires a one-time report detailing implementation of this title.

### **National Law Enforcement and Corrections Technology Centers**

- The bill directs the new OST to operate and support National Law Enforcement and Corrections Technology Centers and, to the extent necessary, **establish new centers** through a merit-based, competitive process.

**Additional Information:** On September 20, 2001, H.R. 2915, the Public Safety and Cyber Security Enhancement Act of 2002 was introduced. Most of H.R. 2915 was adopted as part of the USA PATRIOT Act (enacted in October 26, 2001, Public Law No. 107-56). According to the Committee, H.R. 3482 addresses issues not covered in the USA PATRIOT Act.

**Cost to Taxpayers:** CBO estimated that the reported version of H.R. 3482 would authorize \$125 million for FY03-FY04 in the Department of Justice, subject to appropriation. The bill as reported with an amendment, does not authorize any appropriation, except that it transfers appropriations from the former Office of Science and Technology to the new Office.

CBO reported that H.R. 3482 would impose unfunded mandates through reporting requirements on state and local government agencies that receive certain disclosures from providers of electronic communication services, but that the cost of complying with these new reporting requirements would be insignificant, and would not exceed the unfunded mandate threshold (\$58 million in 2002, adjusted annually for inflation).

**Does the Bill Create New Federal Programs or Rules?:** The bill would establish new federal crimes and would increase penalties for unauthorized use of computers and related offenses. The bill would further create a new and expanded role for the Office of Science Technology and possibly create new National Law Enforcement and Corrections Technology Centers.

**Constitutional Authority:** The Judiciary Committee (in Report No. 107-497) finds authority in Article I, Section 8 of the Constitution. The Judiciary Committee failed to cite a specific clause of the Constitution, and merely claims its authority under the general “Powers of Congress” section.

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## **HR 3988 —To amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion (Gekas)**

**Order of Business:** The bill is scheduled to be considered on Monday, July 15, 2002, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3988 modifies the American Legion's qualifications (36 U.S.C.21703) to allow a person still on active duty but a veteran of a previous conflict to be eligible for membership.

**Additional Information:** Currently, under the statute, veterans who get out of service are eligible to become members of the American Legion if they served since August 2, 1990 through the date of cessation of hostilities, as decided by the United States Government and are honorably discharged or separated from that service or continue to serve honorably after that period. **The United States Government has never issued a cessation of hostilities decision (from the Gulf War and other conflicts since).** Therefore, servicemen who served since August 2, 1990 and are still on active duty have no discharge papers for the period, and are not serving "after the cessation of hostilities." H.R. 3988 changes the eligibility standard to make clear that membership is open to the thousands of active duty personnel who served during operations Desert Shield, Desert Storm, and all the operations that followed in Iraq, Bosnia, Kosovo, and Afghanistan.

**Cost to Taxpayers:** CBO estimates that H.R. 3988 will result in no cost to the Federal Government.

**Does the Bill Create New Federal Programs or Rules?:** H.R. 3988 would amend the federal charter for the American Legion, to clarify that veterans of previous U.S. conflicts still serving on active duty, are eligible to be members of the American Legion.

**Constitutional Authority:** The Judiciary Committee (in Report No. 107-571) finds authority in Article I, Section 8 of the Constitution. The Judiciary Committee failed to site a specific clause of the Constitution, and merely claims its authority under the general "Powers of Congress" section.

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## **HR 3838 —Veterans of Foreign Wars Charter Amendment Act (Smith, Christopher)**

**Order of Business:** The bill is scheduled to be considered on Monday, July 15, 2002, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3838 amends the charter of the Veterans of Foreign Wars (VFW) to allow any member of the Armed Forces who has received special pay for duty under hostile fire or imminent danger to be a member of the VFW. Currently, the charter only allows members who served honorably and received a campaign medal for service or who have served honorably for a specific period on the Korean peninsula. H.R. 3838 allows members of the Armed Forces who served in Somalia or Kosovo, for example, to be eligible for VFW membership.

H.R. 3838 also amendment the VFW charter to include the word “charitable” as one of its purposes. According to the VFW, its members volunteered millions of hours and gave support to local communities and the needy in the millions of dollars in 2001 and volunteerism has always been a large part of the mission of the VFW. In some States, VFW is being denied qualification as a charitable organization under section 501(c) of the Tax Code because the word “charitable” is not included in their charter language. This technical amendment would remedy the problem.

(Both changes to the VFW charter reflect the language of two resolutions approved by the voting delegates of the VFW at their National Convention.)

**Cost to Taxpayers**: CBO estimates that enacting this legislation would result in no cost to the Federal Government.

**Does the Bill Create New Federal Programs or Rules?**: H.R. 3838 expands the VFW’s membership eligibility and adds “charitable” to a list of purposes in the VFW’s charter.

**Constitutional Authority**: The Judiciary Committee (in Report#107-570) finds authority in Article I, Section 8 of the Constitution. The Judiciary Committee failed to site a specific clause of the Constitution, and merely claims its authority under the general “Powers of Congress” section.

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## **H. R. 3214— To amend the charter of the AMVETS organization (Bilirakis)**

**Order of Business**: The bill is scheduled to be considered on Monday, July 15, 2002, under a motion to suspend the rules and pass the bill.

**Summary**: H.R. 3214 amends the AMVETS federal charter to conform with the group’s vote at its 1998 annual convention. The delegates voted for and H.R. 3214 changes the official name from “American Veterans of World War II, Korea, and Vietnam” to “American Veterans.” Additionally, the AMVETS voted to change the structure of its governing body and H.R. 3214 contains language to reflect the structure change in the statute. Finally, the organization has changed the location of their headquarters from the District of Columbia to Lanham, Maryland. Therefore, their charter is changed to indicate this move.

**Additional Information**: The American Veterans of World War II were founded in 1944. They were federally chartered in 1947. Congress amended the charter in 1950 to allow Korean War veterans to be members of the organization and in 1966 to allow Vietnam veterans to be members of the organization. In 1970, Congress acted to change the name of the organization to AMVETS--American Veterans of World War II, Korea, and Vietnam. In 1984, the AMVETS charter was amended to allow anyone who served honorably after 1940

to join AMVETS. In 1990, Congress acted to allow the membership for national guardsmen and reservists. More information can be found at the AMVETS homepage:  
<http://www.amvets.org/>

**Cost to Taxpayers**: CBO estimates that enacting this legislation would result in no cost to the Federal Government.

**Does the Bill Create New Federal Programs or Rules?**: H.R. 3214 would make several changes to the federal charter for AMVETS, a veterans association.

**Constitutional Authority**: The Judiciary Committee (in Report No. 107-569) finds authority in Article I, Section 8 of the Constitution. The Judiciary Committee failed to cite a specific clause of the Constitution, and merely claims its authority under the general “Powers of Congress” section.

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## **H.Con.Res. 413—Honoring the invention of modern air-conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary (Walsh)**

**Order of Business**: The resolution is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary**: H.Con.Res. 413 would resolve that Congress honors the invention of modern air-conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary.

**Additional Background**: According to the resolution, on July 17, 1902, Dr. Willis H. Carrier submitted designs to a printing plant in Brooklyn, New York, for equipment to control temperature, humidity, ventilation, and air quality, marking the birth of modern air conditioning. Dr. Carrier debuted air-conditioning technology for legislative activity in the House of Representatives Chamber in 1928 and the Senate Chamber in 1929. The air-conditioning industry now totals \$36 billion globally and employs more than 700,000 people in the United States.

**Cost to Taxpayers**: The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?**: No.

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**H.R. 4755—To designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the “Clarence Miller Post Office Building” (Hobson)**

**Order of Business:** The bill is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4755 would designate the post office at 204 South Broad Street in Lancaster, Ohio, as the “Clarence Miller Post Office Building.”

**Additional Background:** Clarence E. Miller was a Republican congressmen from Ohio from 1967 through 1993.

**Cost to Taxpayers:** As with most federal building designations, these bills would authorize insignificant expenditures (costs of changing signs, etc.)

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** Though a committee report citing constitutional authority is unavailable, Article I, Section 8, Clause 7 grants Congress the power to “establish Post Offices and post Roads.”

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**H.Res. 482—Honoring Ted Williams and extending the condolences of the House of Representatives on his death (*Markey*)**

**Order of Business:** The resolution is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 482 would resolve that the House “honors the outstanding accomplishments of Ted Williams and expresses its deepest sympathies and condolences to the family of Ted Williams on his passing.”

**Additional Background:** Ted Williams played professional baseball with the Boston Red Sox from 1939-1960 and came to be known as “the greatest hitter who ever lived.” He was elected to the Baseball Hall of Fame in 1966.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

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## **H.Res. 452 — Congratulating the Detroit Red Wings for winning the 2002 Stanley Cup Championship. (*Kilpatrick*)**

**Order of Business:** The resolution is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 452 congratulates the Detroit Red Wings hockey team for winning the 2002 Stanley Cup Championship.

The resolution details accomplishments of the Red Wings including:

- Winning the Stanley Cup on June 13, 2002, and the President's Trophy for finishing with the best regular season record in the 2001-2002 season;
- Defeating the 2001 Stanley Cup Champions, the Colorado Avalanche, to win the Western Conference Championship and defeating the Carolina Hurricanes 4 games to 1 in the Stanley Cup finals; and
- Winning nine Stanley Cups in their 76 years in the National Hockey League.

The resolution goes on to cite the accomplishments of recently retired coach Scotty Bowman, who had been with the team since 1993, led the Wings to three Stanley Cups and set an NHL record with nine Stanley Cup Championships in his career. Also recognized are assistant coaches Dave Lewis and Barry Smith, owner and President Mike Ilitch, General Manager Ken Holland, and various other support staff.

H.Res. 452 also states that the city of Detroit is known as "Hockeytown," highlighting the "city's loyal fans and their love for the sport," and that the Wings have been led by Captain Steve Yzerman since 1986, who has "shown leadership and commitment to the league since his 1983 draft" into the NHL. The resolution goes on to honor and name all of the Red Wings players from the 2001-2002 season, citing specific accomplishments of goalie Dominik Hasek, defenseman Niklas Lidstrom, and forward Brett Hull.

The resolution also:

- Congratulates the Red Wings for "winning the 2002 Stanley Cup Championship and for their outstanding performance during the entire 2001-2002 National Hockey League season;"
- Congratulates all 16 NHL teams who played in the postseason;
- Recognizes the achievements of the Red Wings players, coaches and support staff;
- Commends the Carolina Hurricanes "for a valiant performance during the playoff finals;" and
- Directs the Clerk of the House to transmit an enrolled copy of the resolution to all Red Wings players, former coach Scotty Bowman, and team owner and President Mike Ilitch.

**Cost to Taxpayers:** The resolution will have a minimal cost to the Clerk of the House for sending copies of the enrolled resolution to Red Wings players, Scotty Bowman, and Mike Ilitch.

**Does the Bill Create New Federal Programs or Rules?:** No.

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## **H.R. 4807 — Susquehanna National Wildlife Refuge Expansion Act (Gilchrest)**

**Order of Business:** The bill is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4807 authorizes the Secretary of the Interior to acquire the 198-acre Garrett Island in Maryland for inclusion in the Susquehanna National Wildlife Refuge.

The bill includes findings that Garrett Island:

- Is “a microcosm of the geology and geography of the region, including hard rock piedmont, coastal plain, and volcanic formations;”
- Is the only rocky island in the Chesapeake;
- Provides high-quality habitat for bird and fish species; and
- “Contains significant archeological sites reflecting human history and prehistory of the region.”

H.R. 4807 also includes the following purposes for the establishment of the Garrett Island Unit in the Susquehanna National Wildlife Refuge:

- (1) To support the Delmarva Conservation Corridor Demonstration Program.
- (2) To conserve, restore, and manage habitats as necessary to contribute to the migratory bird populations prevalent in the Atlantic Flyway.
- (3) To conserve, restore, and manage the significant aquatic resource values associated with submerged land adjacent to the unit and to achieve the habitat objectives of the agreement known as the Chesapeake 2000 Agreement.
- (4) To conserve the archeological resources on the unit.
- (5) To provide public access to the unit in a manner that does not adversely impact natural resources on and around the unit.

**Additional Background:** Two private owners and the Cecil Land Trust currently own Garrett Island. According to Congressman Gilchrest’s office, the private owners support making the Island a part of the wildlife refuge. **The Bush Administration and local Maryland officials, however, have expressed opposition to it.**

**Cost to Taxpayers**: CBO estimates a cost of \$800,000 in 2003 to acquire Garrett Island, with management costs of \$200,000 annually, subject to appropriations.

**Does the Bill Create New Federal Programs or Rules?**: The bill authorizes the Secretary of Interior to acquire land for inclusion in the Susquehanna National Wildlife Refuge.

**Constitutional Authority**: The Committee on Resources, in House Report 107-562, cites Article I, Section 8 (but fails to cite a specific clause) and Article IV, Section 3 (“power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States”).

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**H.Con.Res. 408—Honoring the American Zoo and Aquarium Association  
and its accredited member institutions for their continued service to animal  
welfare, conservation education, conservation research, and wildlife  
conservation programs (Gilcrest)**

**Order of Business**: The resolution is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary**: H.Con.Res. 408 would resolve that Congress “recognizes and honors the American Zoo and Aquarium Association and its member institutions of zoological parks and aquariums for their dedicated service in animal welfare, conservation education, conservation research, and wildlife conservation programs.”

**Additional Background**: According to the resolution, the nonprofit American Zoo and Aquarium Association founded in 1924 now contains 201 “premier zoological parks and aquariums in North America and the world.” The resolution goes on to praise the Association for its care of animals, its research and conservation efforts, and its partnerships with governments at all levels.

The resolution boasts that the “American Zoo and Aquarium Association zoological parks and aquariums, along with other conservation groups, have been at the forefront of efforts to save the world’s flagship species and were instrumental in the enactment of the African Elephant Conservation Act (Public Law 100-478; 16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (Public Law 105-96; 16 U.S.C. 4261 et seq.), the Great Ape Conservation Act of 2000 (Public Law 106-411; 16 U.S.C. 6301 et seq.), and the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103-391; 16 U.S.C. 5301 et seq.).”

**Cost to Taxpayers**: The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?**: No.

**Constitutional Authority:** The Resources Committee, in House Report 107-565, cites constitutional authority for this resolution in Article I, Section 8, but does not cite a specific clause.

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## **H.Con.Res. 395—Celebrating the 50th anniversary of the constitution of the Commonwealth of Puerto Rico (*Acevedo-Vila*)**

**Order of Business:** The resolution is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 395 would resolve that Congress celebrates the 50th anniversary of the Constitution of the Commonwealth of Puerto Rico.

To read the text of Puerto Rico’s Constitution, visit this website:

<http://welcome.topuertorico.org/constitu.shtml>

**Additional Background:** According to the resolution, on July 3, 1952, President Truman signed Public Law 82-447 (66 Stat. 327), approving the Constitution of the Commonwealth of Puerto Rico. On July 10, 1952, the Constitutional Convention of Puerto Rico reconvened and approved the conditions established by Public Law 82-447. And on July 25, 1952, the Governor of Puerto Rico proclaimed that the Puerto Rican Constitution was in effect.

The resolution also states that “the United States citizens of Puerto Rico have proudly fulfilled their duties to this great Nation, and some have made the ultimate sacrifice in defense of democracy, freedom, and the United States Constitution since World War I;” and that “the cultural diversity of the United States has been enriched by the people of Puerto Rico **who have preserved and promoted their culture, language, and identity.**”

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** The Resources Committee, in House Report 107-501, cites constitutional authority in Article IV, Section 3. Clause 2 of this section grants Congress the power to “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

**Outside Organizations:** English First has called for the removal of the line about the preservation of language (bolded above) or for a defeat of the resolution with this line in it. For more information, contact English First at (703) 321-8818.

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## **H.R. 3479—National Aviation Capacity Expansion Act (*Lipinski*)**

**Order of Business:** The bill is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Background:** According to the bill, O’Hare International Airport handles 72.1 million passengers annually, with this number expected to increase by 18% this decade. Presently, O’Hare is the third-most delayed airport in the country.

On December 5, 2001, the Governor of Illinois and the Mayor of Chicago reached an agreement to allow the City to go forward with a proposed capacity enhancement project for O’Hare which involves redesign of the airport’s runway configuration. State law states that such projects at O’Hare (which is owned and operated by the city of Chicago) require State approval.

The City, with approval of the State, applied for and received a master-planning grant from the Federal Aviation Administration (FAA) for the capacity enhancement project. However, the agreement between the City and the State is not binding on future governors of Illinois. According to the bill, future governors of Illinois could stop the project by refusing to issue a certificate required for such project under the Illinois Aeronautics Act, by refusing to submit airport improvement grant requests for the project, or by improperly administering the State implementation plan process under the Clean Air Act (42 U.S.C. 7401 et seq.) to prevent construction and operation of the project.

The City of Chicago is unwilling to go forward with the project without assurance that future governors of Illinois will not be able to stop the project.

As part of the agreement between the City and the State, the City must continue to operate Merrill C. Meigs Field, failure of which would trigger a withholding of federal airport improvement program funds from the City for O’Hare.

**Bill Summary:** H.R. 3479 would aim to accelerate the expansion of aviation capacity in the Chicago area.

Specifically, the bill would prohibit the State of Illinois (if the FAA makes, or at any time after December 5, 2001 has made, a grant to the City of Chicago with the approval of the State of Illinois for planning or construction of runway improvements at O’Hare) **from acting under Illinois state law** to prevent:

- further FAA consideration of an O’Hare airport layout plan directly related to the agreement reached by the State and the City on December 5, 2001;
- the construction of FAA-approved projects in the O’Hare airport layout plan; or
- Chicago from applying for federal airport improvement program funding for FAA-approved projects shown on such O’Hare airport layout plan

Further, the bill would authorize the City of Chicago (*without* the approval of the State of Illinois) to directly apply for, accept, receive, and disburse federal airport improvement program funds for planning and construction of the O'Hare expansion plan finalized on December 5, 2001 (and subject to FAA approval).

The O'Hare redesign would have to allow public roadway access through the existing western boundary of O'Hare to passenger terminals and parking facilities located inside the boundary of the airport. Additionally, the redesign could not be approved unless certain steps are taken to mitigate noise from the airport for surrounding communities.

The bill would authorize \$37 million for fiscal year 2004 and \$47 million for fiscal year 2005 for the FAA's Office of Environment and Energy to carry out noise mitigation programming and quiet aircraft technology research and development.

H.R. 3479 would require the State of Illinois to prepare an implementation plan under the Clean Air Act for the O'Hare redesign and would prohibit the State from "deviat[ing] from its customary practices under the Clean Air Act for the purpose of interfering with the construction of a runway pursuant to the redesign plan." FAA approval of the redesign plan would be subject to the mitigation of emissions regulated under the Clean Air Act implementation plan.

Until January 1, 2006, the FAA would be authorized to withhold all federal airport grant funds for O'Hare (other than grants involving national security and safety) if Chicago does not operate Merrill C. Meigs Field as a public airport (unless such airport is closed by the FAA for reasons beyond the City's control). After January 1, 2006, the City could close Meigs Field.

Net losses resulting from operating Meigs Field would be expected to be paid by the two air carriers at O'Hare that paid the highest amount of airport fees and charges at O'Hare for the preceding calendar year. The City of Chicago could use airport revenues generated at O'Hare to fund the operation of Meigs Field.

If the O'Hare runway redesign plan has not received all federal, state, and local permits and approvals necessary to begin construction by December 31, 2004, the FAA would be required to submit a status report to Congress explaining any delays.

**State and Local Positions**: Illinois Governor George Ryan testified before the Aviation Subcommittee on March 6, 2002, that although he has been philosophically opposed to the type of congressional superceding of state authority contained in this legislation, he supports H.R. 3479 because it applies only and specifically to the O'Hare redesign plan and does not bind future governors from action on other airport expansion plans.

Chicago Mayor Richard Daley testified at that same hearing in strong support of H.R. 3479.

**Cost to Taxpayers:** CBO confirms that H.R. 3479 would authorize \$37 million in FY2004 and \$47 million in FY2005 (for a total of \$84 million over the FY2003-2007 period).

**Does the Bill Create New Federal Programs or Rules?:** The bill would prohibit the State of Illinois from taking any actions to prevent the implementation of the O'Hare redesign plan and would authorize the City of Chicago to directly apply for, accept, receive, and disburse federal airport improvement funds without the approval of the State of Illinois.

**Constitutional Authority:** The Transportation Committee's Report #107-568 remained unavailable at press time.

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## **H.Res. 448 — Recognizing The First Tee (Boehner)**

**Order of Business:** The resolution is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 448 recognizes the organization The First Tee for its programs involving golf and character education. The resolution includes the following clauses:

- The First Tee works “to make the game of golf more affordable and accessible to young people across the country;”
- “Community-based programs such as The First Tee play an important role in educating youth in the positive values that build strong character;”
- Through the First Tee Life Skills experience, “young people learn the importance of maintaining a positive attitude, considering the consequences of their decisions, setting and achieving objectives, holding themselves to high standards, and applying to their everyday lives values such as responsibility, honesty, integrity, respect, confidence, and sportsmanship;”
- “The strong values that The First Tee teaches to youth will positively impact their lives, their education, and their experiences in school;” and
- The First Tee has established and incorporated 9 core values that reflect the principles of character education, namely: confidence, courtesy, honesty, integrity, judgment, perseverance, respect, responsibility, and sportsmanship.

The resolution goes on to recognize The First Tee for “its support of programs that provide young people of all backgrounds an opportunity to develop, through golf and character education, life-enhancing values such as honor, integrity, and sportsmanship.”

**Additional Background:** The First Tee is an initiative of the World Golf Foundation created in November 1997, as a way to bring golf to youngsters that otherwise would not be exposed to the game. The First Tee uses public-private partnerships to establish golf-learning facilities for youth across the country. There are currently 88 such facilities.

**Cost to Taxpayers**: The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?**: No.

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## **H.R. 4866 — Fed Up Higher Education Act Technical Amendments of 2002 (McKeon)**

**Order of Business**: The bill is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary**: H.R. 4866 makes a variety of changes to the Higher Education Act of 1965 (HEA). Specifically, the bill:

- Clarifies that home-schooled students are eligible for federal financial aid for higher education. Also, makes clear that institutions of higher education will not lose their institutional eligibility by granting aid to home-schooled students;
- Allows students in nonprofit foreign veterinary schools to qualify for the Federal Family Education Loan (FFEL) program;
- Extends provision in current law allowing schools with default rates under ten percent for three consecutive years to waive the 30-day delay on providing loans to first-time borrowers who are first-year students. Also extends provision allowing schools that meet the low default rate to request one-term loans in a single payment, instead of the required multiple disbursements.
- Encourages institutions to use technology when sending reports to the federal government;
- Specifies that federal scholarship aid may be awarded to low-income and minority students for law school;
- Increases the reimbursement rates for guarantee agencies that face losses as a result of the default of a student borrower through certain “exempt claims” (according to the Department of Education exempt claims are filed in a situation in which the lender determines that the borrower or the student on whose behalf a parent has borrowed, without the lender or school’s knowledge at the time the loan was made, provided false or erroneous information or took actions that caused the student or borrower to be ineligible for all or a portion of a loan or for interest benefits on a subsidized Stafford Loan). Rates are increased from 95, 85 and 75 percent to 100 percent;
- Removes the requirement that forbearance agreements between lenders and loan recipients be in writing before they can take effect and instead allows immediate payment relief for recipients. Also requires lenders to provide notice to the borrower and receive borrower approval of the terms of any new agreement;

- Clarifies that the return of Title IV funds by a student is required when the amount to be returned exceeds 50 percent of the total assistance received for a payment period or period of enrollment and that amounts of \$50 or less do not need to be returned;
- Amends the requirement that institutions make a “good faith effort” to distribute voter registration information to students to encourage such information to be provided electronically;
- Eliminates the 2-year waiting period between grant awards for Hispanic Serving Institutions; and
- Allows financial aid officers to use professional judgment when reevaluating the financial need of a student who is a ward of the court.

The bill also includes minor technical and clerical amendments.

**Cost to Taxpayers**: No cost estimate is available.

**Does the Bill Create New Federal Programs or Rules?**: The bill makes a variety of changes to the Higher Education Act of 1965.

**Constitutional Authority**: A committee report citing constitutional authority is unavailable.

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## **H.Res. 460 — Recognizing and honoring Justin W. Dart, Jr. (*Hoyer*)**

**Order of Business**: The resolution is scheduled to be considered on Monday, July 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary**: H.Res. 460 recognizes the accomplishments of civil rights and disabilities activist Justin W. Dart, Jr. and expresses condolences to his family on his death.

The resolution includes various clauses outlining the life and accomplishments of Justin W. Dart, Jr. including:

- “Five Presidents, five Governors, and Congress have seen fit to appoint Justin Dart, Jr., to leadership positions within the area of disability policy, including Vice Chairman of the National Council on Disability, Commissioner of the Rehabilitation Services Administration, Chairperson of the President's Committee on the Employment of People with Disabilities, and Chairperson of the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities;”
- Dart had “been a civil rights activist for individuals with disabilities since he was stricken with polio in 1948 and has played a leadership role in numerous civil rights marches across the country;”

- Dart “worked tirelessly to secure passage of the Americans with Disabilities Act of 1990, which was signed into law by President Bush, and is often recognized as a major driving force behind the disability rights movement and this landmark legislation;”
- On January 15, 1998, President Clinton awarded Dart the Presidential Medal of Freedom, our Nation's highest civilian award; and
- Dart “passed away at his home on June 22, 2002, and is survived by his wife, Yoshiko Dart, five daughters, 11 grandchildren; and two great-grandchildren.”

The resolution goes on to recognize Justin W. Dart, Jr., as “one of the true champions of the rights of individuals with disabilities” and recognizes that his achievements “have inspired and encouraged millions of Americans with disabilities to overcome obstacles and barriers so they can lead more independent and successful lives.”

**Additional Background:** According to various biographies, Justin W. Dart, Jr. was a leader in the disability rights movement for three decades, and an advocate for the rights of women, people of color, and gays and lesbians. Dart is best known for his role in securing the passage of the Americans with Disabilities Act in 1990. He passed away on Saturday, June 22, 2002, at his home in Washington, D.C. Dart is on record supporting the expansion of civil rights protection to gays and lesbians, universal health care, affirmative action, and the expansion of ADA.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

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